

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 247 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning state
- 3 and local administration
- 4 Page 3, after line 41, begin a new paragraph and insert:
- 5 "SECTION 3. IC 36-7-31.3-8, AS AMENDED BY P.L.178-2002,
- 6 SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 UPON PASSAGE]: Sec. 8. (a) ~~Except as provided in subsection (d)~~; A
- 8 designating body may designate as part of a professional sports and
- 9 convention development area any facility that is:
- 10 (1) owned by the city, the county, a school corporation, or a
- 11 board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or
- 12 IC 36-10-11, and used by a professional sports franchise for
- 13 practice or competitive sporting events; or
- 14 (2) owned by the city, the county, or a board under IC 36-9-13,
- 15 IC 36-10-8, IC 36-10-10, or IC 36-10-11, and used as one (1) of
- 16 the following:
- 17 (A) A facility used principally for convention or tourism related
- 18 events serving national or regional markets.
- 19 (B) An airport.
- 20 (C) A museum.
- 21 (D) A zoo.
- 22 (E) A facility used for public attractions of national
- 23 significance.
- 24 (F) A performing arts venue.

1 (G) A county courthouse registered on the National Register of
2 Historic Places.

3 A facility may not include a private golf course or related
4 improvements. The tax area may include only facilities described in this
5 section and any parcel of land on which a facility is located. An area
6 may contain noncontiguous tracts of land within the city, county, or
7 school corporation.

8 (b) Except for a tax area that is located in a city having a population
9 of:

10 (1) more than one hundred fifty thousand (150,000) but less than
11 five hundred thousand (500,000); or

12 (2) more than ninety thousand (90,000) but less than one hundred
13 five thousand (105,000);

14 a tax area must include at least one (1) facility described in subsection
15 (a)(1).

16 (c) ~~Except as provided in subsection (d);~~ A tax area may contain
17 other facilities not owned by the designating body if:

18 (1) the facility is owned by a city, the county, a school
19 corporation, or a board established under IC 36-9-13, IC 36-10-8,
20 IC 36-10-10, or IC 36-10-11; and

21 (2) an agreement exists between the designating body and the
22 owner of the facility specifying the distribution and uses of the
23 covered taxes to be allocated under this chapter.

24 ~~(d) In a city having a population of more than ninety thousand~~
25 ~~(90,000) but less than one hundred five thousand (105,000); the~~
26 ~~designating body may designate only one (1) facility as part of a tax~~
27 ~~area. The facility designated as part of the tax area may not be a facility~~
28 ~~described in subsection (a)(1).~~

29 SECTION 4. IC 36-7-31.3-19, AS AMENDED BY P.L.178-2002,
30 SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 UPON PASSAGE]: Sec. 19. The resolution establishing the tax area
32 must designate the use of the funds. The funds are to be used only for
33 the following:

34 (1) Except in a tax area in a city having a population of:

35 (A) more than one hundred fifty thousand (150,000) but less
36 than five hundred thousand (500,000); or

37 (B) more than ninety thousand (90,000) but less than one
38 hundred five thousand (105,000);

39 a capital improvement that will construct or equip a facility owned
40 by the city, the county, a school corporation, or a board under
41 IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11 and used by
42 a professional sports franchise for practice or competitive sporting
43 events. In a tax area to which this subdivision applies, funds may
44 also be used for a capital improvement that will construct or equip
45 a facility owned by the city, the county, or a board under
46 IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11 and used

for any purpose specified in section 8(a)(2) of this chapter.

(2) In a city having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000), a capital improvement that will construct or equip a facility owned by the city, the county, a school corporation, or a board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11 and used for any purpose specified in section 8(a) of this chapter.

(3) In a city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000), a capital improvement that will construct or equip a facility owned by the city, the county, or a board under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11 and used for any purpose specified in section ~~8(a)(2)~~ 8(a) of this chapter.

(4) The financing or refinancing of a capital improvement described in subdivision (1), (2), or (3) or the payment of lease payments for a capital improvement described in subdivision (1), (2), or (3).

SECTION 5. IC 36-10-11-33, AS AMENDED BY P.L.178-2002, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 33. (a) The fiscal body of the lessee shall adopt an ordinance creating a board of five (5) members to be known as the "Civic Center Board of Managers". The board of managers shall supervise, manage, operate, and maintain a building and its programs.

(b) A person appointed to the board of managers must be at least twenty-one (21) years of age and a resident of the lessee governmental entity for at least five (5) years. If the lessee is a city, three (3) of the managers shall be appointed by the city executive, and two (2) of the managers shall be appointed by the city legislative body. If the lessee is not a city, all five (5) managers shall be appointed by the fiscal body of the lessee. An officer or employee of a political subdivision may not serve as a manager. The managers serve for terms of three (3) years.

(c) Notwithstanding subsection (b), if the lessee is a city, initial terms of the managers appointed by the executive are as follows:

- (1) One (1) manager for a term of one (1) year.
- (2) One (1) manager for a term of two (2) years.
- (3) One (1) manager for a term of three (3) years.

The initial term of one (1) of the managers appointed by the legislative body is two (2) years, and the other is three (3) years.

(d) Notwithstanding subsection (b), if the lessee is not a city, initial terms of the managers are as follows:

- (1) One (1) manager for a term of one (1) year.
- (2) Two (2) managers for terms of two (2) years.
- (3) Two (2) managers for terms of three (3) years.

(e) A manager may be removed for cause by the appointing authority. Vacancies shall be filled by the appointing authority, and any person appointed to fill a vacancy serves for the remainder of the

1 vacated term. The managers may ~~not~~ receive salaries ~~but or a per diem~~
2 **and** shall be reimbursed for any expenses necessarily incurred in the
3 performance of their duties.

4 (f) The board of managers shall annually elect officers to serve
5 during the calendar year. The board of managers may adopt resolutions
6 and bylaws governing its operations and procedure and may hold
7 meetings as often as necessary to transact business and to perform its
8 duties. A majority of the managers constitutes a quorum.

9 SECTION 6. **An emergency is declared for this act.**
 (Reference is to ESB 247 as printed February 17, 2004.)

Representative Crawford